

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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NUWAY Alliance, NUWAY House,  
Inc., 3 Rs NUWAY Counseling Center,  
NUWAY Saint Cloud Counseling  
Center, NUWAY University Counseling  
Center, NUWAY Rochester Counseling  
Center, 2118 NUWAY Counseling  
Center, NUWAY Mankato Counseling  
Center, NUWAY Duluth Counseling  
Center,

Plaintiffs,

v.

Minnesota Department of Human  
Services Temporary Commissioner  
Shireen Gandhi, *in her official capacity*,

Defendant.

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Court File No. 0:25-cv-00492  
(JRT/ECW)

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING  
ORDER/PRELIMINARY  
INJUNCTION**

The above-entitled matter came before the undersigned on Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction under Federal Rule of Civil Procedure 65. The Court, being fully advised of the matter, and based upon the motion, declarations, memoranda, files, hearing, and arguments of counsel, makes the following:

**ORDER**

1. Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction is **GRANTED**.
2. Withholding Minnesota Health Care Programs payments from NUWAY Alliance, NUWAY House, Inc., 3 Rs NUWAY Counseling Center, NUWAY Saint Cloud

Counseling Center, NUWAY University Counseling Center, NUWAY Rochester Counseling Center, 2118 NUWAY Counseling Center, NUWAY Mankato Counseling Center, and NUWAY Duluth Counseling Center (the “NUWAY Entities”) without providing an opportunity for a hearing violates federal and state statute and the NUWAY Entities’ constitutional rights to due process.

3. Minnesota Department of Human Services (“DHS”) Temporary Commissioner Shireen Gandhi, in her official capacity as Commissioner of DHS, must comply with the requirements of 42 C.F.R. § 455.23 and Minn. Stat. § 256B.064 by providing a contested case hearing, as defined in Minn. Stat. § 14.02, subd. 3, including any appeal rights, during which the NUWAY Entities can challenge the Amended Notices of Payment Withhold issued by DHS to the NUWAY Entities on December 5, 2024 (the “Notices”) and related payment withholds.

4. DHS Temporary Commissioner Shireen Gandhi, in her official capacity as Commissioner of DHS, is enjoined from withholding Minnesota Health Care Programs payments for substance use disorder treatment services to Plaintiffs NUWAY Entities as described in the Notices. This injunction will remain in effect until the final disposition of the above-titled matter or the final disposition of a contested case arising out of the Notices, including any appeals, whichever is later.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: \_\_\_\_\_

BY THE COURT

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The Honorable John R. Tunheim  
United States District Court Judge  
District of Minnesota